

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 15, 2014

AMENDED IN SENATE MAY 15, 2014

SENATE BILL

No. 1104

Introduced by Senator Padilla

February 19, 2014

An act to add Article 6 (commencing with Section 84550) to Chapter 4 of Title 9 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1104, as amended, Padilla. Political Reform Act of 1974: campaign communication disclosure.

The Political Reform Act of 1974 regulates certain communications, including mass mailings, slate mailers, and advertisements, by requiring those items to include specified information and disclosures.

This bill would require a candidate for elective state office, a slate mailer organization, or a committee that authorizes an expenditure for a campaign communication, as defined, to file an electronic copy of the campaign communication with the Secretary of State, as specified. *This bill would make this requirement operative on July 1, 2017, or on a date determined by the Secretary of State, whichever occurs earlier.* The bill would require the Secretary of State to maintain an archive of the filed campaign communications and to make the campaign communications available for public inspection on his or her Internet Web site, *as specified.* ~~This bill would make these changes operative on July 1, 2017.~~ *This bill would permit the Secretary of State to promulgate regulations to implement these provisions.*

A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 84550) is
2 added to Chapter 4 of Title 9 of the Government Code, to read:

3
4 Article 6. Campaign Communication Disclosures

5
6 84550. (a) For purposes of this section, the following terms
7 have the following meanings:

8 (1) "Campaign communication" means an advertisement, as
9 defined in Section 84501, that advocates support for or opposition
10 to a candidate for elective state office or a statewide ballot measure;
11 a mass mailing, as defined in Section 82041.5, that advocates
12 support for or opposition to a candidate for elective state office or
13 a statewide ballot measure; or a slate mailer, as defined in Section
14 82048.3, that advocates support for or opposition to a candidate
15 for elective state office or a statewide ballot measure.

16 (2) "Elective state office" has the same meaning as set forth in
17 Section 82024, but does not include a member elected to the Board
18 of Administration of the Public Employees' Retirement System
19 or a member elected to the Teachers' Retirement Board.

20 (b) (1) A candidate for elective state office, a slate mailer
21 organization, or a committee that authorizes an expenditure for a

1 campaign communication shall file an electronic copy of the
2 campaign communication with the Secretary of State as follows:

3 ~~(1) (A)–~~

4 (A) (i) A campaign communication that is distributed by postal
5 mail during the period from 90 days prior to the election at which
6 the candidate or measure that is the subject of the campaign
7 communication will appear on the ballot to the day of the election,
8 inclusive, shall be filed not later than 72 hours after the first
9 distribution of the campaign communication.

10 ~~(B)~~

11 (ii) A campaign communication that is distributed in a manner
12 other than by postal mail during the period from 90 days prior to
13 the election at which the candidate or measure that is the subject
14 of the campaign communication will appear on the ballot to the
15 day of the election, inclusive, shall be filed not later than 24 hours
16 after the first distribution of the campaign communication.

17 ~~(2)~~

18 (B) A campaign communication that is distributed at any time
19 other than that described in ~~paragraph (1)~~ subparagraph (A) shall
20 be filed not later than five business days after the first distribution
21 of the campaign communication.

22 (2) A candidate for elective state office, a slate mailer
23 organization, or a committee that files an electronic copy of a
24 campaign communication with the Secretary of State pursuant to
25 this subdivision shall identify in the filing the date the
26 communication was first distributed.

27 (3) This subdivision shall become operative on July 1, 2017, or
28 on a date determined by the Secretary of State, whichever occurs
29 earlier.

30 (c) The Secretary of State shall maintain ~~an archive~~ electronic
31 records of all campaign communications that are filed pursuant
32 to this section and shall make the campaign communications
33 available for public inspection on his or her Internet Web site: *as*
34 *follows:*

35 (1) A campaign communication that is filed by a candidate who
36 is subsequently elected to the office sought shall be available for
37 public inspection for the period during which the elected candidate
38 serves in that office.

39 (2) (A) Except as provided in subparagraph (B), a campaign
40 communication that is filed other than by a candidate who is

1 *subsequently elected to the office sought shall be available for*
2 *public inspection for a period determined by regulations of the*
3 *Secretary of State, which in no event shall be less than five years.*

4 *(B) In the absence of regulations by the Secretary of State*
5 *establishing a period of public inspection, a campaign*
6 *communication that is filed other than by a candidate who is*
7 *subsequently elected to the office sought shall be available for*
8 *public inspection for a period of five years.*

9 *(d) Electronic records maintained pursuant to this section shall*
10 *be subject to the State Records Management Act (Article 7*
11 *(commencing with Section 12270) of Chapter 3 of Part 2 of*
12 *Division 3 of Title 2).*

13 *(e) The Secretary of State may promulgate regulations to*
14 *implement this section.*

15 ~~*(d) This section shall become operative on July 1, 2017.*~~

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

25 SEC. 3. The Legislature finds and declares that this bill furthers
26 the purposes of the Political Reform Act of 1974 within the
27 meaning of subdivision (a) of Section 81012 of the Government
28 Code.